

The regular organizational meeting of the Marilla Town Board was held on Thursday, January 9, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Earl Gingerich Jr., Councilman
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given. Supervisor Foss gave a welcoming message:

Welcome everyone to our 2003 organizational meeting. The Town of Marilla had a solid year last year with the Historical Annex being completed, Veteran's sidewalk completed, and the Town Hall heating system replaced which included the removal of asbestos insulation. All projects proceeded smoothly with just a few normal bumps (usually completion dates). We purchased a new pick-up truck, snowplow, and garbage truck and packer. The final numbers are not complete yet but preliminary review indicates all fund are in good shape financially.

The out look for 2003 is going to be exciting. We are beginning in earnest for the 2004 bicentennial. The Memorial Pavilion will be built starting shortly after Memorial Day. The remainder of the sidewalk will be completed by October 1st. The center of Town is going to have a great new appearance and more things could be on the way. We will begin shortly to repair the Community Center HVAC System.. The Town has budgeted new signs for the Town Hall and the Library, which should be similar in construction the one at the Community Center.

I am also planning on help from the County Environment and Planning to provide expertise to hook up our T-1 line and do more of our business electronically. Most information now travels thru the e-mail and we have got to prepare for the changes that are inevitable. I have already spoke to Dawn about staring a web page for the Town of Marilla and again I hope we can get it done in 2003.

We are certainly going to have a busy year and with the Town Board Leading the way and the great support form all the other Boards, Town Officials and employees, I believe the Town will continue to be a great place to live and or work and one of the special places in Western New York.

Communications

Communications were received and read from :

- a. Association of Towns regarding the Training School & Annual Meeting to be held this year in New York City on February 16-19 2003.
- b. The Clonmel Restaurant informing the Town of the renewal of their New York State Liquor License.

Committee Reports

Highway Superintendent Dave Pierce reported that the new snow plow was delivered Tuesday, there was a problem with the body that has been resolved.

Councilman Gingerich reported that the next Sesqui-Centennial Meeting will be held on January 22nd at 7:00 pm.

Councilman Specht reported that we are waiting for the estimates for the heating system at the Community Center.

Supervisor Foss reported that last September the Town Board by resolution instructed me to apply for CD funds for the brick walkway extending form the Veteran's Memorial to the Town parking lot. The grant application was for \$25,450 and is to be built soon after the Memorial Pavilion is built this summer. I have received confirmation the grant has been approved by the CD Review Committee. The funds usually become available by May 1st and I will prepare bid specs and proceed to bid as soon as possible after that time. The work is scheduled for completion no later than October 1st.

He stated that we are currently working on the completion of 2002 financial data. The final balances should be available by the 17th of the month. I have completed the inventory totals that we have been working on this past year and these numbers will be

incorporated in the annual report and meet the new GASBY requirements that are due in annual reports by 2004. I am very pleased to have completed the inventory a year in advance and I thank everyone who assisted in the report.

Supervisor Foss explained that he had talked with Greg Wiley, owner of the future gas station located on Two Rod and Clinton Street, this morning and the closing on the property will be completed by next week and he plans to begin work as soon as the weather allows. Greg plans on opening the business by May 1st and assured me that once construction is completed the site will be kept neat and attractive. We certainly wish him success in his business and I am very pleased to have a fuel station in Town.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Public Hearing and Regular Board Meeting held on 12/12/02 and the Settlement Meeting minutes of 12/27/02. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to approve the extended hours requested by Allied Sportsmen of WNY for 2003. Motion Carried.

New Business

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Earl Dabb as Chairman to the Board of Assessors and Laura Nuttle as Assessor Clerk. Motion carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint David Riley and Leon Berner to the Assessment Review Board for a 5 year term to expire on 9/30/06. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to appoint Neill & Sargent as The Town Attorney for 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to appoint John Fronczek as Building Inspector and CEO for 2003. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Scott Rider as Deputy Building Inspector and CEO for 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Thomas Whiting as Town Constable for the Town for 2003. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to appoint Thomas Wantuck, Ralph Burch, Leonard Janiga and James E. Henrich as Members to the Conservation Advisory Board to a two-year term to expire on December 31, 2004. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Victor Ball as Chairman and Diane Fronczek as Clerk to the Conservation Advisory Board for the year 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to appoint Arlene Germony as Court Clerk for 2003 and pay according to the adopted clerk's pay scale. Motion Carried.

Supervisor Foss appointed Councilman Fred Specht as Deputy Supervisor for 2003.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to appoint Donald Roesch to the position of Assistant Dog Control Officer for the year 2003. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to appoint Paul White to the position of EMW Representative for the year 2003. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2003 not to exceed the budgeted amount of \$6,576.00. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Hubert Kutter as Town Historian for 2003 at a salary of \$1200 for the year. Motion Carried.

Supervisor Foss reappointed Jeff Lewinski as Deputy Town Historian.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to appoint Donald Weeks and Nathan Barnard as Members to the Planning Board to a 7-year term to expire December 31, 2009.
Roll Call Vote:
Councilman Spanitz – Aye Councilman Specht – Aye
Councilman Gingerich – Aye Councilman Gertz – Aye
Supervisor Foss – Abstained
Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Judy Gillman as Chairman and Paulette Schloss as Clerk to the Planning Board for the year 2003. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2003 at a rate of pay of \$3,696.00. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Dawn Flanigan as Registrar of Vital Records and Sally Bender as Deputy Registrar. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2003 and receive salary according to the budgeted amount. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to appoint David Pierce as Superintendent of the Park and Sanitation Department for the year 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Margery Geyer as Town Prosecutor for 2003. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2003. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint William Reuman as a Member to the Zoning Board of Appeals to a five year Term to expire December 31, 2007. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to appoint Paulette Schloss as Clerk to the Zoning Board of Appeals for 2003 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to designate Alden State Bank, CLAS and Paine- Webber as depositories and Munistat as fiscal advisor for the Town of Marilla Funds for the Supervisor and

HSBC and M&T banks for the Town Justices and to designate Fleet Bank for the Town Clerk's Office for the year 2003. Motion Carried.

- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to establish a petty cash fund in the amount of \$400.00 for the Town Clerk's combined Office. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the Highway and Sanitation and General Fund Employees Work Policy for the year 2003 available to full time employees as negotiated by the Town Board as follows:

Town Of Marilla
Highway, Sanitation And General Fund
Full-Time Employee's Work Agreement - 2003

The Town Board has agreed to pay the following salaries to the Town of Marilla Employees:

Laborers for the Marilla Highway and Sanitation		
Departments shall receive -		\$10.01 per hour
Motor Equipment Operators shall receive – Starting Rate		\$13.16 per hour
After 1 year		\$14.01 per hour
After 2 years		\$15.45 per hour
Mechanics shall receive - Starting Rate		\$13.83 per hour.
After 1 year		\$15.71 per hour.
After 2 years		\$17.60 per hour.
Maintenance Employees for the Sanitation,		
Highway and General Fund shall receive – Starting Rate		\$11.60 per hour
After 1 year		\$12.36 per hour
After 2 years		\$13.16 per hour

Employees moving up from Sanitation to Highway start at second year rate.

In addition, full-time hourly employees of the Highway, Sanitation and General Fund Departments will receive the following benefits for 2003:

1. Eleven (11) paid holidays to include:

January 1	New Years Day
January 20	Martin Luther King Day
February 17	President's Day
April 18	Good Friday
May 26	Memorial Day
July 4	Independence Day
September 1	Labor Day
October 13	Columbus Day
November 11	Veteran's Day
November 27	Thanksgiving Day
December 25	Christmas Day

2. Vacation - Five (5) days, (one) (1) day being eight (8) hours) for the first year of town employment, after six (6) months. One (1) additional day for each year thereafter until a maximum of twenty (20) days is reached. A maximum of ten (10) days may be carried over to the next year without prior approval. Vacation scheduling will be approved by the Highway Superintendent or the Sanitation Superintendent. Two (2) employees from the same department may not take the same week or other critical weeks as designated by the Highway or Sanitation Superintendents. No vacations shall be allowed between November 1 and April 15 except in an emergency. (Also, during this period Employees are required to be available for snowplowing unless prior approval is given by the Highway Superintendent.) Employees will be paid for unused vacation time remaining at the end of November in a December paycheck of 2003; provided that said employee has at least ten (ten) days of unused vacation time as of the first paycheck of December of 2003.

- 3. Vacation Time – Forty (40) days notice must be given in writing with dates specified prior to two (2) or more consecutive days off.
- 4. Personal Leave - Five (5) days per year.
- 5. Sick days - Five (5) days per year. Thirty (30) sick days may be accumulated and will be paid upon retirement at a rate of one-half (1/2) of the employee's pay at retirement based upon one (1) work day (where one (1) work day equals eight (8) hours).

Employees employed by the Town of Marilla prior to January 1, 2001 and who have accumulated sick days under previous Work Agreements with the Town of Marilla are entitled to those previously accumulated sick days, as designated in the Work Agreement(s) in effect during the period of accumulation, but are not entitled to continue the accumulation commenced under previous Work Agreements. Previously accumulated sick days are not to be counted in the accumulation of sick days under the instant Work Agreement.

In the event that future Work Agreements discontinue the policy of accumulating sick days, employees are entitled to receive, as outlined by this Work Agreement, all sick days under this Work Agreement.
- 6. Highway Superintendent and Sanitation Superintendent may require a doctor's certificate for three (3) consecutive sick days.
- 7. NYS Disability Insurance after a period of seven (7) consecutive days. The Town will pay employee his or her normal wage for the work week missed during the waiting period if, and only if employee files disability claim beginning the first day of his or her disability.
- 8. Personal Safety Equipment - \$ 400.00 annually.
- 9. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.

10. Full Community Blue - Group Number 315425
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adopt the pay scale for employees with one, two and three year service to the town with one grade for each job classification. Pay scale as follows:

	1 st Year	2 nd Year	3 rd Year
Clerk of Boards	\$ 9.41	\$ 10.48	\$ 11.43

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	1 st Year	2 nd Year	3 rd Year
Clerk Regular	\$ 9.93	\$ 10.99	\$ 11.95

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to adopt the following Resolution: RESOLVED, that the Town Board of the Town of Marilla does hereby fix the salaries of the officers and employees for the year 2003 and that they be paid as follows:

Supervisor	\$ 24,561.00
Councilman (4)	7,083.00
Chairman, Board of Assessors	9,345.00
Member, Board of Assessors	8,259.00
Town Clerk	30,610.00
Highway Superintendent	36,827.00
Sanitation Superintendent	5,830.00
Park Superintendent	1,531.00
Town Justice	10,395.00
Building Inspector	10,335.00
Deputy Building Inspector	5,094.00
Senior Citizen Recreation Attendant	1,248.00
Town Historian	1,200.00

Motion Carried.

- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to pay Assessment Review Members per day and to receive the same rate of pay per day for required schooling, pay scale as follows: \$68.00 for the Chairman and \$ 54.00 for members. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Gingerich to pay Assistant Dog Control Officer at the rate of Maintenance employees as per the Towns work agreement of 2003 at \$13.16 per hour for hours worked as needed and to include taking a Census of dogs doing one-third of the Town each year. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht and to pay Attorney for the Town \$110 per hour for 2003. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Southeast Community Work Center, now known as (Southeast Works) as Inside Caretaker at the Community Center for the year 2003 at a rate of \$70 per visit. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gingerich to pay the Constable for the Town \$19.00 per summons and pay for court time at adopted clerk's rate of pay. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to pay Election Inspectors \$7.32 per hour (½ hour before polls open and ½ hour after polls close) and \$15.00 for election school (no mileage reimbursement). Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Specht to pay laborers for the Town Park and Assessor's Office at a rate of \$10.01 per hour. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to appoint Margery H. Geyer as Town Prosecutor at a cost of \$110 per hour, to handle all non-traffic cases. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to set the rate of pay for the Zoning Board of Appeals, Planning Board and the Conservation Advisory Board as follows: Chairman \$34.00 per meeting and \$ 23.00 per meeting per member. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to authorize the Highway Superintendent to purchase equipment, tools, etc. without prior approval of the Town Board in the amount of the budgetary provision and not to exceed the appropriated amount in the 2003 budget according to Town Law. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to authorize the Supervisor to prepay utilities, postage, tipping fees, thruway tolls, charge cards, insurance, medical, ADP without prior approval of the Town Board to alleviate late charges for the year 2003. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to establish a mileage allowance of \$.30 per mile for the Supervisor, Councilmen, Town Justices, Town Clerk, Assessors, Code Enforcement Officers, Dog Control Officers, Bookkeeper, Justice Clerk in the performance of their duties (including dog damage cases) for the year 2003 and to keep a log of mileage as used in order to be paid. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht to adopt the following Resolution: RESOLVED that the Alden Advertiser and Elma Review (to be published in both the East Aurora Advertiser and Elma Review for the same price as solely the Elma Review) be named as the official newspapers for the Town for the year 2003. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Supervisor to pay various organizational dues for the year 2003.
Motion Carried.

Supervisor Foss appointed the following work committees:

Councilman Spanitz: Affirmative Action Officer, Audit of claims, Youth, Planning Board Liaison.

Councilman Specht: Deputy Supervisor, Technology, Fire Service Awards, Historical Society.

Councilman Gingerich: PACE, Memorial Day, Conservation Advisory Board Liaison, and Library.

Councilman Gertz: Disaster, Traffic and Safety, Park, Special Use Permits, Audit of claims.

Supervisor Foss: HUD, Senior Ride, Insurance, NEST Board, and Buildings, dogs.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to designate the following polling places:
District 1 and 3 The Marilla Town Hall
Districts 2,4,5,6 The Community Center
Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Jim Beats as election machine custodian for the year 2003 and pay a salary equal to his highway position for hours worked as needed. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to retain the services of Kotas and Kotas, Accountants at an annual cost of \$7,680 for general accounting and \$900 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts #2 & #4 for \$2,500. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to accept the calender of dates and times of Town Board Meetings and Work Sessions for 2003. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize Town Employees to attend conference/educational seminars conditional upon Town Board approval and to put a \$500.00 cap for those who plan on attending. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to grant permission for Building Inspector and Assistant Building Inspector to attend an educational conference at a cost of \$225 per person. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize the Supervisor to obtain a credit card for the Town. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution concerning the Roche property located on Williston Road:

WHEREAS, the Town of Marilla has recently enacted a Local Law Regulating Unsafe Buildings and Property in the Town of Marilla (the "Unsafe Building Law") which law has been filed with the Secretary of State; and

WHEREAS, the Enforcement Officer of the Town of Marilla has notified the Town Board of the existence of an Unsafe Building with Junked Motor Vehicles on premises owned by Lynne M. Roche located at 12008 Williston Road, Marilla, New York and submitted a report to the

Town Board as required under Section 4 and 5 of the Unsafe Building Law; and

WHEREAS, the Town Board has reviewed the report and the evidence submitted with such report and has determined that the premises at 12008 Williston Road is in violation of the provisions of the Unsafe Building Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board determines that the property located at 12008 Williston Road violates the provisions of the Unsafe Building Law in that there is on the premises a building nearly completely destroyed by fire with only a portion of the first floor of the structure remaining, basement exposed to the elements and filled with debris and water and a number of motor vehicles on the premises that have not been moved since the premises was destroyed by fire and which do not appear to be operational.
2. That a hearing be held before the Town Board on February 11, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York at which time the Lynne M. Roche, the owner of the property at 12008 Williston Road will be given the opportunity to appear in person and provide evidence that the property is not in violation of the provisions of the Unsafe Building Law.
3. The Enforcement Officer of the Town is directed to serve Notice to Property Owner of the alleged violation of the Unsafe Building Law at least 15 Business Days prior to the hearing date, in form as required under the Unsafe Building Law and in accordance with the directions of the Town Board.
4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gingerich – Aye

Councilman Gertz – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to set public hearing date for February 13th at 7:30 pm for the Senior Citizen Exemption Income Level Increase, contingent upon the County passing the increase before said date. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that she has the proposals for the heating system at the Community Center for Councilman Specht to review.

Building Inspector John Fronczek submitted a written report with 3 building applications received with fees totaling \$345, 3 building permits issued with a total value of \$33,350, 4 inspections were made and 0 complaints were received for the month of December 2002. He also submitted an annual report for 2002, a copy of which will be filed in the Town Clerk's Office.

Town Assessor Earl Dabb thanked fellow Assessor's, Kandace Wittmeyer and Mel Kinmartin and Assessor Clerk, Laura Nuttle for their continued support.

Planning Board Chairman Judy Gillman reported that the next meeting will be held on Thursday, January 16th at 7:30 pm at the Marilla Town Hall. The Planning Board minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Town Historian Hubert Kutter thanked the Town Board for his re-appointment and for being put on the payroll.

Marilla Fire Company representative, Mel Kinmartin reported that the Fire Company is receiving a \$4000 Grant from the State, thanks to Assemblymen Sandra Lee Wirth. He also stated that the annual chicken barbeque sale will be held on March 30th and the Carnival will be June 13th and 14th, the grass drags will be on September 28th and the gun raffle on October 11th.

Open Board Presentations

Councilman Specht reported that the furnace at the Community Center is running on 2 cylinders instead of just one and has not been a problem lately.

Councilman Gingerich reported that there is one opening on the CAB Board. He also wanted to take a moment of silence for the passing of Melvin Parker, a member on the CAB Board who died suddenly in December.

Supervisor Foss wanted to wish everyone a happy and healthy New Year!

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 1-14	\$ 1,902.69
Highway Fund Claims, Vouchers 1-14	\$ 3,019.66
Special Districts	
Sanitation (SR), Vouchers 1-5	\$ 2,021.56
Special Lighting, Vouchers	\$.00
Special Fire	\$.00
Water District #2, Voucher 1	\$ 316.75
Water District #3	\$.00
Water District #4	\$.00
Community Develp. PACE	\$.00
Community Develp. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to move into executive session. Motion Carried.

Supervisor Foss called the Executive Session to order at 8:30 p.m., the purpose of the meeting was to discuss property acquisition.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to go out of Executive Session. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to adjourn the meeting at 8:40 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman